

To sell shellfish, an individual must possess a town/city commercial shellfish permit, a state commercial fisherman permit endorsed for shellfish, and a shellfish ID card issued by the Division of Marine Fisheries.

A special regulated commercial fishery permit is required for harvesting surf clams, ocean quahogs, and sea urchins. Rules and regulations are available at the Division's Boston office.

Spearfishing

***For the current species regulations, including size and possession limits, visit:**

<http://www.mass.gov/marinefisheries>

NOTE: Striped Bass, Smelt, Shad, Blue & White Marlin, and Sailfish CANNOT be taken by spearing, netting, or snagging.

The taking of Atlantic Salmon, Sturgeon, all Marine Mammals, all sea turtles, and the Diamond Back Terrapin from Massachusetts waters is prohibited.

PERMITS - No permit is currently required for recreational spearfishing. However, a commercial rod & reel permit allows the holder only, to catch and sell finfish (to a licensed dealer) caught by rod & reel or diving. No other gear types may be used.

If you need to obtain a permit, contact the Department's Licensing office at DMF Licensing 251 Causeway St, suite 100 Boston, MA 02114 (617)626-1520 or visit us on-line at: http://www.mass.gov/marinefisheries/CommercialFishing/lic_ndx.htm

Marine Fisheries Facilities

Boston - (617) 626-1520
Pocasset - (508) 563-1779
Gloucester - (978) 282-0308
Martha's Vineyard -(508) 693-0060

Law Enforcement Facilities

Hewitts Cove - (617) 727-0082
Radio Room - (617) 727-6398
North Coastal Bureau - (617) 283-7764
TOLL FREE - 1-800-632-8075

This pamphlet contains abstracts of some of the laws of interest to divers who utilize Massachusetts coastal waters. For more detailed information see Chapter 90b, 91, and Chapter 130 of the Massachusetts General Laws and Code of Massachusetts Regulations, Title 322.

The rules and regulations contained in this abstract are subject to change without notice. Contact the Division of Marine Fisheries for current regulations.

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Commonwealth of Massachusetts

Massachusetts Division of Marine Fisheries



Diver Information 2003

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Director

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Mitt Romney, Governor
Ellen Roy Herzfelder, Secretary
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MASSACHUSETTS DIVER INFORMATION

Coastal Waters Under the Jurisdiction of the Commonwealth: All the waters within the rise and fall of the tide extending out to three miles from an established coastal baseline and all the waters of Massachusetts Bay, Cape Cod Bay, and Nantucket Sound. It does not include the waters within or above any fish ladder or dam, nor the waters above any tidal bound established by DEP in streams flowing to the sea.

Diver access to Commonwealth Tidelands - Massachusetts General Law, Chapter 91, Section 10D. No person shall be denied access during daylight hours to Commonwealth tidelands across any land available to the public for swimming or recreation which is owned or controlled by the Commonwealth or any of its political subdivisions for the purpose of SCUBA diving or skin diving which activities are hereby declared to be water dependent uses; provided, however, that if such tidelands are at any time closed to access by the general public, such access by such SCUBA diver or skin diver shall not be permitted.

Dive FLAG - Massachusetts General Law, Chapter 90B, Section 13A. Every scuba diver or group of scuba divers while swimming on or under the surface of the waters of the Commonwealth shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed 3 miles per hour.

Lobster & Crabs

***For the current regulations, including size and possession limits, visit:**

<http://www.mass.gov/marinefisheries>

PERMITS - A non-commercial lobster permit endorsed for diving is required of all individuals who recreationally dive for lobster in coastal waters. It also allows the holder to take edible crabs. No permit is required to take edible crabs (includes blue crab) for use by immediate family, provided that the number of crabs does not exceed fifty (50) in one day and that no pots or traps are used. To sell lobster, a commercial permit is required, which are currently unavailable.

Non-residents of Massachusetts, who own in excess of \$5,000 in Massachusetts real-estate and who will seasonally reside in a Massachusetts coastal town, may obtain a non-commercial lobster permit to take lobsters and edible crabs from June through September for consumption only by licensee and family.

Annual catch reports are required of all non-commercial lobster permit holders. These forms are provided by the Division of Marine Fisheries. Renewal licenses will not be issued until a catch report has been filed.

REGULATIONS - Divers must display their assigned number upon their air tank and a floating marker (upright single panel, at least 12" x 12", white background, black numerals at least 3" high, 1/2" in thickness or width of line on both sides of the marker). A group of divers may use only one floating marker listing the license number of each diver in the group.

It is illegal for anyone, except the owner, to handle, destroy or molest any lobster or crab pot or other fishing gear, including any gear swept upon the shore, beaches or flats whether public or private, or to take fish therefrom.

Taking of lobsters and crabs from one-half hour after sunset to one-half hour before sunrise is strictly prohibited.

Spearing, dipping or dragging for lobsters is prohibited.

V-notched Female Lobster means any female lobster bearing a v-shaped notch on the right flipper adjacent to the middle flipper or any female lobster that is mutilated in a manner that could hide, obscure, or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

V-shaped Notch means a "V" shaped notch, which has been carved by means of a sharp bladed instrument, at least 1/4 inch and not greater than 1/2 inch in depth and tapering to a sharp point in the flipper next top and to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down.

It is prohibited and unlawful for any person to possess any v-notched female lobsters.

Removal of eggs from lobsters is prohibited. Egg-bearing lobsters or lobsters from which eggs have been removed must be immediately returned alive to the waters from which taken.

Mutilation of any lobster which affects its measurement or the possession of lobster parts shall be prima facie evidence that the lobster was less than legal minimum size.

Shellfish & Sea Urchins

***For the current regulations, including size and possession limits, visit:**

<http://www.mass.gov/marinefisheries>

PERMITS & REGULATIONS- The taking of shellfish is subject to the control of the cities and towns. Consult local authorities for regulations and permits. The Division of Marine Fisheries has authority to regulate surf clams, ocean quahogs, and shellfish taken from contaminated areas.

Sea scallops may be taken by diving in state waters without a permit for non-commercial purposes. If harvesting sea scallops in a contaminated area, they must be shucked at sea. Recreational diving for conch is allowed without a permit, but check with town regulations.